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REMARKS

By this response, claim 1 has been amended. As support for the above amendments to claim 1 is provided for by the specification and drawings, no new matter has been entered. Accordingly, claims 1-12, and 21-28 are pending in this application.

The Examiner rejected claims 1-12 and 21-28 under 35 USC 112, second paragraph, as being indefinite. Claim 1 has been amended which overcomes the indefiniteness rejection. Enter of this amendment is requested to limit the number of issues on appeal.

Claims 1-12 and 21-28 are rejected under 35 USC 102(e) as being anticipated by Bastianelli et al (US 2004/0073450). Claims 1-12 and 21-28 are rejected under 35 USC 102(b) based upon a public use or sale of the invention. Claims 1-12 and 21-28 are alternatively rejected under 35 USC 103(a) as being unpatentable over Bastianelli et al. Claims 1-12 and 21-28 are alternatively rejected under 35 USC 103(a) as being obvious in view of the public use or sale or offer for sale of the invention. These rejections are respectfully traversed in view of the following comments.

The Examiner errs in his assertion in Paper 20051102, paragraph number 11, "that the Parent Application does not recite choices configured to 'personalize said funeral electronically' as recited in claims 1." Applicants assert that the recited invention of claim 1 is described in the specification of the Parent Application, albeit not in *haec verba*. See, e.g., Eiselstein v. Frank, 52 F.3d 1035, 1038 (Fed. Cir. 1995) ("application need not describe the claimed subject matter in exactly the same terms as used in the claims. . ."). In addition, as the Applicants have not define the term "personalize" differently from its normal and common usage, the term "personalize" in claim 1 means to make personal. See, e.g., www.webster.com/dictionary/personalize. The Parent Application when read as a whole is directed clearly to arranging electronically a funeral that is personalized by choices, i.e. the electronic selection of the type of burial service desired (cementation or burial), the selection of product options (i.e., urn or casket style, material, interior fabric and theme), and the type and quantity of additional services desired (viewing service, funeral service, memorial service, transportation, flowers, cards, etc).

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Specific support for the limitation at issue in claim 1 is provided in paragraph [0013] of the Parent Application (U.S. 2003/0212611 A1), which is reproduced below for the convenience of the Examiner (emphasis added):

[0013] The family advisor system guides the user through a series of questions with choices to determine, generally, which services are of an interest to the individual. Additionally, the system allows a funeral provider to show funeral products without requiring the funeral home to maintain an actual showroom (e.g., having caskets displayed) in the funeral home. Further, the system allows the user to view and select product options (i.e., urn or casket style, material, interior fabric and theme) by selecting from a number of pre-determined check boxes. After viewing and selecting, the system filters the available products and services using the user's selected choices to provide the user with a list meeting the individual's specification. The products and services may thereafter be canceled, revised or ordered.

Claim 1, as amended, recites the limitations of "presenting an electronic selection guide page which lists a plurality of selectable user actions, said selectable users action are configured to arrange said funeral electronically; and displaying a first electronic response page in response to selection of one of said plurality of user actions; said electronic response page displaying information and choices configured to personalize said funeral electronically." In addition to the above cited paragraph [0013] of the Parent Application, FIG. 4 of the Parent Application and the sections in the specification of the Parent Application that refer to FIG. 4, also support the limitation of presenting an electronic selection guide page (51) which lists a plurality of selectable user actions (56), said selectable users action are configured to arrange said funeral electronically." Support is also provided in paragraph [0068] of the Parent Application (i.e., "...The next page to appear is the Family Services Selection Guide form page 318. On this page 318 the user is prompted to complete a number of questions 50 (by selecting radio buttons 54) about the type of funeral service the family is planning to have. This page 318 also includes

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information buttons 70 that provide more in depth information on the available funeral services (optional step 320) by being linked to a Disposition information page 322, a Cremation information page 324, and a Services information page 326...."). Further to the above cited paragraphs of the Parent Application, FIGS. 15-17 of the Parent Application and the sections in the specification of the Parent Application that refer to FIG. 15-17, also support the limitation of displaying a first electronic response page in response to selection of one of said plurality of user actions; said electronic response page displaying information and choices configured to personalize said funeral electronically. For example, paragraph [0070] of the Parent Application discloses "[i]n going down the service path, the first page that the user will see is a packages page form 344. The packages form page 344 (*sic*) provides the user with choices 54 for various service packages, which is customizable by each individual funeral home. To view detailed description of any listed choices, the user can click on the text of that choice. To select the choice the user clicks on the radio button 56 next to the corresponding choice. To move to the next services form page 346 the user clicks on the "Continue" button 48 on the provided navigation toolbar 40. The user follows the same procedure of selecting choices 56 on the Services form page 346, on the Facility & Transportation form page 348 (*sic*), and on the Merchandise form page 350 (*sic*)."

In view of all the above, one skilled in the art would recognize the limitation "choices configured to personalize said funeral electronically," as recited by claim 1 in the present application, reflects what the specification of the Parent Application shows has been invented. Accordingly, the effective U.S. filing date for claim 1, and all dependent claims dependent upon claim 1 in this application, is that of the Parent Applicant, September 30, 1999. Therefore, Bastianelli et al (US 2004/0073450) is not prior art and cannot form the basis of a rejection under either Sections 102 or 103.

As the filing date was within 12 months from the press release dated October 26, 1998 titled Aurora Unveils Leading Edge Technology at NFDA Convention, which disclosed the unveiling of the invention for public sale and use, claims 1-12 and 21-28 are not subject to the statutory bars of 102(b), or in the alternative, can be rejected under 35 USC 103(a) as being obvious in view of the public use or sale or offer for sale of the invention. Please also note, that

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the Applicants who are same inventors of record in the Parent Applicant, already submitted a declaration (date 8/13, 2002) under 37 C.F.R. 1.131, affirming that although the Exhibit A (the above mentioned Aurora Unveils... press release) states that "[s]ince 1995, Aurora has steadily built the concept of interactive funeral planning and has applied customer input into ever phase of the Family Advisor project," the recited feature of the claimed invention were neither previewed nor available to the public until the demonstration at the above mentioned National Funeral Directors Association convention. A copy of that Declaration is attached with this response and herein incorporated fully by reference. At the submission of the Declaration, claim 12 recited a computerized method of planning a funeral for a loved one comprising the limitations of "presenting an electronic selection guide to solicit selection of funeral arrangement preferences for the funeral by providing a series of questions which interactively guides a user through a funeral arrangement process, each of said questions providing user-selectable choices to indicate said funeral arrangement preferences; presenting an electronic response page which displays appropriate funeral services and/or products in response to said funeral arrangement preferences; permitting selection and personalization of displayed said funeral services and/or products from said electronic response page; and displaying a selection summary page detailing selection and cost of selected funeral services and/or products" (emphasis added). See After Final Amendment dated March 28, 2002, file number 09409566 in PAIRS image wrapper file of the Parent Application, (U.S. Pat. App. Serial No. 09/409,566). Clearly the features of claim 1 in the present application were also presented in the Parent Application for prosecution on the merits. However, the examiner of record in the Parent Application never once rejected the limitations of claim 12 as not being supported by the written description of the specification. Such information further provides support that the Examiner errs in his assert. For the above reasons, withdrawal of these rejections is requested.

Claims 1-12 and 21-28 are also rejected under 35 USC 103(a) as being unpatentable over Torres et al (US 2003/0004829) in view of Muller, Gralla and Danish et al Building Database-Driven Web Catalogs. This rejection is respectfully traversed in view of the following comments.

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In view of the Applicants establishing above that the effective filing date of the subject matter of claim 1 and all the claims dependent therefrom is September 30, 1999, Torres et al. is not prior art as also previously established by the filed declaration provided with the Request for Reconsideration of March 14, 2005. Accordingly, as Torres et al. cannot form the basis of a rejection, withdrawal of this rejection is requested and expected.

Claims 1-12 and 21-28 are rejected under 35 USC 103(a) as being unpatentable over Richardson (US 2002/0022962) in view of Muller, Gralla and Danish. This rejection is respectfully traversed.

As the Examiner is well aware, "In rejecting claims under 35 U.S.C. § 103, the examiner bears the initial burden of presenting a prima facie case of obviousness. Only if that burden is met, does the burden of coming forward with evidence or argument shift to the applicant." *In re Rijckaert*, 9 F.3d 1531, 1532, 28 USPQ2d 1955, 1956 (Fed. Cir. 1993) (citations omitted). To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. See, e.g., MPEP 2142. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaack*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

Richardson is directed to providing on-line funeral home memorials. Richardson in reference to funeral planning describes using unfilled templates for inputting information relevant to a funeral (e.g., the type of casket, flowers, place and time of the funeral and the like). See paragraph [0131]. Richardson teaches, however, that this filled template is accessible for viewing and editing only by the funeral director, and not members of the public or the family members. *Id.*, and see also paragraph [0132]. Richardson also discloses providing hyperlinks listed under the heading "Our Difference" include "Cremation," which describes cremation options, e.g., pricing and procedures, "Directions," which describes directions for using the

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funeral home services, "FAQ," which provides answers to "frequently asked questions," "Our Staff," which describes the funeral home staff, and "Pre-Planning," which describes planning options for a funeral in advance, such as burial sites, caskets, etc. See paragraph [0145]. As such, Richardson disclosure only providing funeral information templates that are populated by user input, and information pages the described the procedures. There is no electronic funeral planning disclosed by Richardson.


Applicants have searched in vain to find where in Richardson is it disclosed or suggested that a user is presented with an electronic selection guide page which lists a plurality of selectable user actions, where the selectable users action are configured to arrange a funeral electronically. Applicants have also searched in vain to find where in Richardson is it disclosed or suggested that an electronic response page is displayed in response to selection of one of the plurality of user actions, and where in Richardson it is disclosed or suggested that a electronic response page displays information and choices configured to personalize a funeral electronically. Citing to wait amounts to the entire disclosure of Richardson, does not reveal the Examiner of his burden to point out where in the prior art there is provided some suggestion of the desirability of doing what the inventor has done. "To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references." Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). "When the motivation to combine the teachings of the references is not immediately apparent, it is the duty of the examiner to explain why the combination of the teachings is proper." Ex parte Skinner, 2 USPQ2d 1788 (Bd. Pat. App. & Inter. 1986). As the Examiner has failed to explain this rejection with reasonable specificity, Applicants believe that the Examiner has failed procedurally to establish a prima facie case of obviousness. Clearly, this is due to the fact that Richardson is not related art as it addresses a different problem, and is not directed to arranging a funeral electronically as recited by claim 1 (hence the silence on the subject matter). Accordingly, in addition to the Examiner failing to establish a prima facie case of obviousness, in view of the lack of teachings in Richardson to the limitations recited by claim 1, the combined teaches of the cited prior art references would fail to produce the recited invention. As claim 1 is

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not rendered obvious by the cited art of Richardson, in view of Muller, Gralla and Danish, neither are the claims that depend therefrom. Withdrawal of this rejection is requested and expected.

Applicants respectfully submit that the present application is in condition for allowance. The Examiner is encouraged to contact the undersigned to resolve efficiently any formal matters or to discuss any aspects of the application or of this response. Otherwise, early notification of allowable subject matter is respectfully solicited.

Respectfully submitted,
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